

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DARLENE BALISTRERI-AMRHEIN

V.

ATTORNEY LARRY HERCULES &  
LAW FIRM, *et al.*

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CIVIL ACTION NO. 4:23CV862  
JUDGE MAZZANT/JUDGE JOHNSON

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 30, 2024, the report of the Magistrate Judge (the “Report”) (Dkt. #6) was entered containing proposed findings of fact and recommendations that Plaintiff Darlene Balistreri-Amrhein’s (“Plaintiff”) claims be dismissed without prejudice and any pending motions be denied as moot pursuant to Rule 41(b) because Plaintiff did not comply with the terms of a pre-filing injunction issued against her. On June 10, 2024, Plaintiff filed Objections (Dkt. #7) to the Report.

The Court has conducted a *de novo* review of the Objections (Dkt. #7) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the Objections (Dkt. #7) are without merit as to the ultimate findings of the Magistrate Judge. Accordingly, Plaintiff’s Objections (Dkt. #7) are **OVERRULED** and the Magistrate Judge’s Report (Dkt. #6) is **ADOPTED** as the findings and conclusions of the Court.

**IT IS ORDERED** that Plaintiff’s claims are **DISMISSED WITHOUT PREJUDICE** and any pending motions are **DENIED AS MOOT**.

**SIGNED this 17th day of June, 2024.**

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath it.

AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE